

REMARKS

Status of Claims

Claims 1-28 are pending. Herein Applicant cancels withdrawn claims 5, 7, 8, 17, and 18, leaving claims 1-4, 6, 9-16, and 19-28 pending. No other claim amendment is presently being made. Applicant has also amended the specification in three places, per the Examiner's suggestion. None of these amendments adds new matter. For the record Applicant reserves the right to pursue withdrawn or cancelled subject matter, or no longer claimed or as-yet unclaimed subject matter, in this or a related application

Request for Reconsideration

Applicant respectfully requests reconsideration in view of the amendments above and remarks below.

Sequence Listing

Applicant respectfully submits that the application now complies with the sequence listing requirements of 37 C.F.R. 1.821-1.825. Text and CFR versions of the substitute sequence listing are included with this response, as is a Rule 1.821(f) statement.

Declaration

The Examiner has rejected the declaration as defective and has requested that a new declaration be submitted in compliance with 37 C.F.R. 1.67(a). A new declaration accompanies this paper.

Request for Information, Patentability Arguments, and Conclusion

The Office has made reference to an abstract cited in Applicant's IDS dated 19 April 2007, the citation for which the Office refers to as "J. Immunotherapy, 2002, 25(6): S34, Phillips et al.". Applicant notes that this abstract, referenced as S34, was from a compendium of abstracts entitled, "Abstracts for the 17th Annual Scientific Meeting of the Society for Biological Therapy: November 7-10, 2002, La Jolla, California", the complete citation for which is "Journal of Immunotherapy. 25(6):S1-S37,

November/December 2002” (emphasis added). Put simply, the cited abstract was not available until after 10 October 2002, the filing date provisional application serial no. 60/417,303, to which this application claims priority. As such, the cited abstract is not prior art to the instant claims, rendering moot not only the need to respond to the Office’s request for information re the cited abstract but also the 35 U.S.C. §103(a) rejections premised on combinations of the abstract and other cited art.

For these reasons Applicant respectfully submits that claims 1-4, 6, 9-16, and 19-28 satisfy each of the requirements for patentability and thus are in condition for allowance. Accordingly, Applicant earnestly solicits prompt issuance of a notice to such effect. Of course, if any issue remains outstanding that can be addressed without the need for an additional formal action and response thereto, the Examiner is encouraged to telephone the undersigned in order to resolve such issues(s).

Respectfully Submitted,

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